

New Jersey Department of Environmental Protection
News Clips
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MARCELLUS SHALE/NATURAL GAS DRILLING

“Effort to ban wastewater treatment questioned”

Bob Jordan

December 5, 2011

Asbury Park Press

<http://www.app.com/article/20111204/NJNEWS1002/312040029/Effort-ban-wastewater-treatment-questioned?odyssey=nav%7Chead>

TRENTON — Flaws have emerged in efforts by environmentalists and aligned Democrats in the New Jersey Legislature to ban natural gas drilling wastewater from being treated in the state, business leaders said at a state Senate committee hearing last week.

The proposal also applies to the disposal and storage of wastewater from fracking, also known as hydraulic fracturing.

Since there are no fracking wells in New Jersey, the prohibition isn't in sync with U.S. Supreme Court decisions that states cannot discriminate against other states' articles of commerce, said Ed Waters, director of government relations for the Chemistry Council of New Jersey.

Bill sponsors rewrote the bill prior to the Thursday hearing, removing all mentions of shipping or transporting the effluent, but Waters said that didn't fix the intent of the legislation. The bill is still in the committee for possible further amendments.

“We believe that it's still unconstitutional because quite frankly we're not fracking here in New Jersey. We're not taking New Jersey water into our facilities. We're only talking about water being imported from New York and Pennsylvania so therefore it still goes afoul of the interstate commerce laws,” he said.

The U.S. Supreme Court ruled in 1978 that a law preventing waste from Philadelphia and elsewhere from being trucked into New Jersey was unconstitutional because it discriminated against out-of-state commerce.

Fracking involves injecting large amounts of water, sand and chemicals underground to access deposits of natural gas. No wells are located in New Jersey, but the state's green lobby says the activity in neighboring states can have broad negative impact on drinking water supplies.

Proponents of fracking say it can access abundant supplies of natural gas, thus leading to lower energy prices, and they say safety concerns have been overstated.

Sarah Bluhm of the New Jersey Business and Industry Association said the activity also creates demand for related industries, such as treatment of drilling waste.

Bluhm said the rewritten bill is no better than its prior version.

"It still closes down that business opportunity," Bluhm said. "It still says we don't want the jobs."

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"Marcellus Shale Coalition President: Fracking 'safe, responsible'"

Letter: Kathryn Klaber, president, Marcellus Shale Coalition

December 4, 2011

Star-Ledger

http://blog.nj.com/ledgerletters/2011/12/marcellus_shale_coalition_pres.html

The recent editorial "Fracking in N.J. should be determined by science, not money" (Nov. 27), perhaps by design, fails to acknowledge key facts regarding the safe, responsible and tightly regulated development of job-creating American natural gas.

Hydraulic fracturing is a key oil and natural gas production technology that's been in commercial use for more than 60 years in the United States. Our industry, made up of highly trained technical experts, understands the safe and regulated nature of this technology, as do common-sense environmentalists.

EPA Administrator Lisa Jackson, who served as New Jersey's Environmental Protection commissioner under Gov. Jon Corzine, told Congress earlier this year: "I'm not aware of any proven case where the fracking process itself has affected water." And last week, Jackson said, "As an environmentalist, I actually think natural gas is important for our country."

It should also not be lost on your readers that American consumers, particularly New Jersey families, are benefitting from expanded domestic natural gas production.

Protecting our environment and putting Americans to work while bolstering our nation's energy security are not mutually exclusive. We can and must responsibly leverage clean-burning American natural gas across the region. But this dialogue must be driven by science and facts — not hyperbole and scare tactics.

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“DEC fracking report may come as soon as spring 2012

Marie Cusick

December 3, 2011

Innovation Trail

<http://innovationtrail.org/post/dec-fracking-report-may-come-soon-spring-2012>

New York’s top environmental regulator, Department of Environmental Conservation Commissioner Joe Martens, says his agency will likely finish its [review of hydrofracking](#) late next spring.

That means drilling permits for fracking could quickly follow.

That’s a faster timeline than expected. DEC officials had previously been much less specific, saying their report will probably be finished “sometime next year.”

“That’s really alarming,” says Robert Moore, executive director of Environmental Advocates of New York. “I’d be curious to know how [the DEC] reached that conclusion, unless they’ve already determined an outcome ... Clearly that would signal to me that there continues to be pressure to get this done sooner rather than later.”

Drillers see it as a good sign. Brad Gill is the executive director of the Independent Oil and Gas Association of New York, a trade association representing the industry. He wrote in an e-mail statement:

“ Given the work that the DEC has left to do, late spring seems like a realistic time frame to begin issuing permits. It’s been a three-and-a-half year wait, and during that time, we’ve watched as businesses left New York for other states. It’s encouraging to think about moving forward in spring of 2012 and realizing the benefits that have eluded New Yorkers.”

Earlier this week, the DEC [extended the public comment period](#) on its review of fracking, known as Supplemental Generic Environmental Impact Statement (SGEIS). The comment period was originally supposed to end on December 12th, but will now go until January 11, 2012.

Agency officials cited the huge volume of comments they’ve received on their latest draft of the report, which has already topped 10,000 in just three months. The DEC also saw an unprecedented turnout to a series of four public hearings about hydrofracking held around the state last month. More than 6,000 people attended the meetings.

The SGEIS will determine whether New York moves forward to allow hydrofracking. The DEC’s current position is that the controversial drilling technique can be done safely, with strict regulations.

Martens was in WMHT’s studio today to answer questions from viewers about hydrofracking. That interview will be broadcast on the December 9 edition of *New York NOW* ([check your local listings](#)).

###

“Shale gas fracking gets a new black eye: Illegal dumping”

December 3, 2011

EnviroPolitics

<http://enviropoliticsblog.blogspot.com/2011/12/shale-gas-fracking-gets-new-black-eye.html>

The natural gas drilling industry, under continued environmental criticism last week at public hearings in New Jersey and New York (*see Related Stories below*), suffered another public relations blow Thursday in Pennsylvania with the arrest of a truck driver who admitted dumping some 800 gallons of synthetic drilling fluid on state game lands.

The *Morning Times* [reports](#) that:

"a large pool of viscous black fluid was discovered on Pennsylvania Game Land 219 off Regan Hill Road in Warren Township by a neighboring resident. The pool was reportedly two-to-three inches deep and covered an area of approximately 2,100 square feet on the 5,691 acre hunting preserve."

Police said that the driver, Josh Foster, 27, from Temple, Ga., admitted dumping the material and was charged with a third degree misdemeanor--“scattering rubbish”--by Pennsylvania State Police.

Drilling company took full responsibility

The only good news for the shale gas industry is that, when it learned of the incident, *Talisman Energy Inc.*, the company operating the gas well from which the fluid apparently was trucked, notified police, determined the identity of the driver, and took full responsibility for the cleanup.

Talisman officials noted that Foster is not their employee but was working at the time for a local trucking company subcontracted by Talisman.

Pennsylvania needs to sharpen its dumping law

One obvious lesson from the incident is that state law needs significant tightening up. The penalties for "scattering rubbish" can hardly be an adequate disincentive to such environmental crime.

Pennsylvania should consider imposing a manifest paperwork trail system like one adopted years ago in New Jersey to track the shipment of hazardous waste.

Requiring the submission to the state of a manifest for each load of waste shipped or transferred helps assure that hazardous material actually ends up at the designated disposal facility.

###

“Obama frack panel concerns 'appropriate' – AGA”

Mike Soraghan

December 2, 2011

E&E

<http://www.eenews.net/eenewspm/2011/12/02/7>

Some industry groups have taken a dim view of the Obama administration's "fracking" panel, but not the American Gas Association.

AGA President and CEO Dave McCurdy deemed "appropriate" the environmental concerns with shale drilling raised by the panel, officially a subcommittee of the Secretary of Energy Advisory Board at the Department of Energy.

"The issues the DOE committee highlighted were surface issues and they're appropriate," McCurdy said today at a round table with reporters to introduce the association's new chairman, Larry Borgard. Borgard is president and CEO of Integrys Energy Group Inc.

McCurdy noted that the problems highlighted by the panel were not dangers from the process of "hydraulic fracturing," which involves injecting chemical-laced water at high pressure to crack open rock a mile or more below the surface. Instead, he said, the problems are with air emissions, water pollution and truck traffic.

"We believe those are manageable," McCurdy said.

AGA advocates for natural gas utilities, representing 201 companies across the country that deliver gas.

The DOE panel, led by Massachusetts Institute of Technology professor John Deutch, issued a report in August and echoed earlier this month that validated many of the environmental and health concerns that have been raised by environmental groups, industry critics and neighbors of drilling operations.

The report also found that regulators lack "effective control" over the drilling process and said the industry should not be so quick to dismiss concerns. If concerns are not addressed, it said, a political backlash could jeopardize production (*Greenwire*, Aug. 11).

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“Pa. town's water not 'an immediate threat' – EPA”

Mike Soraghan

December 2, 2011

E&E

<http://www.eenews.net/eenewspm/2011/12/02/1>

U.S. EPA has waded into the re-emergence of the shale-drilling debate in northeastern Pennsylvania, telling residents of a rural area that their water is not "an immediate health threat."

Cabot Oil & Gas Corp. has been delivering water to households in Dimock, Pa., since a January 2009 explosion tainted the town's drinking water. The gas company recently said the water is safe to drink, and state authorities agreed in October to let the company stop water deliveries.

But after that decision, EPA officials visited Dimock on Nov. 10 and reviewed sampling data for the affected wells. Today, an industry group publicized a message to Dimock residents from Trish Taylor, a community involvement coordinator in EPA's Philadelphia regional office.

"EPA has conducted a preliminary review and screening of the data provided by the Pennsylvania Department of Environmental Protection and residents," Taylor wrote. "While we are continuing our review, to date, the data does not indicate that the well water presents an immediate health threat to users."

Taylor's note said EPA is continuing to look at the information and will work with the state DEP. *E&ENews PM* confirmed the validity of the message.

The industry group, Energy in Depth Northeast Marcellus Initiative, cheered the news. The group's campaign manager said the letter means that "EPA testing of Dimock's water has found it safe for consumption."

Environmental groups have joined with the Dimock residents who do not think the water is restored.

The Natural Resources Defense Council announced today that it will challenge the legality of the state's decision to allow Cabot to stop the water deliveries.

And next week, the maker of the anti-drilling documentary "Gasland," Josh Fox will drive a truckload of clean water from New York state to Dimock.

"Cabot ruined these residents' water supplies and are now literally leaving these people high and dry," NRDC said in its announcement today.

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"DEP: Protecting water or gas?"

Robert Jackson and Avner Vengosh - professors in the Nicholas School of the Environment at Duke University

December 2, 2011

Philadelphia Inquirer

http://www.philly.com/philly/opinion/inquirer/20111202_DEP_Protecting_water_or_gas_.html

Last month, Pennsylvania Environmental Protection Secretary Michael Krancer testified before Congress on what he called the "unbiased real facts" of shale-gas exploration. Speaking before

the House Subcommittee on Water Resources and Environment, he gave four examples of "suspect science" on the safety of hydraulic fracturing to release natural gas. One of the examples he discussed at length was our study at Duke University.

Our study with two coworkers, published in the Proceedings of the National Academy of Sciences in May, found no evidence that fracturing fluids had contaminated drinking water, but it did find evidence of higher methane, ethane, and propane concentrations in some drinking-water wells near drilling sites.

When our paper came out, Krancer wasted no time in dismissing it, saying, "The bottom line is, it was biased science by biased researchers."

That was baffling to us. The Department of Environmental Protection's stated mission is "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." Wouldn't that include taking the time to understand what scientific results like ours mean, where they might apply, and what should be done in response? Instead, Krancer quickly set out to, as he put it, "refute" our study and others.

Some have a different view of our work. Our paper went through rigorous peer review before publication. In his testimony, Krancer praised the conclusions of the independent, nonpartisan U.S. Shale Gas Production Subcommittee, which the Department of Energy established to improve the safety of hydraulic fracturing. That group called our research "credible."

The secretary also said we "inexplicably declined DEP's reasonable request" to share our data and water sampling locations, which "raises credibility questions." That's simply not true.

Krancer made similar accusations when our paper came out. When we first heard them from a reporter, we were so surprised that we suggested he call his source back and make sure it wasn't a mistake. The next morning, we started calling the secretary to clear things up and see if he would be willing to collaborate. Six months and half a dozen phone calls and e-mails later, we're still waiting for a response.

By law, neither we nor the DEP can release the results of testing of a homeowner's water without permission. Nonetheless, we and the department can work together to evaluate the data in a way that does not reveal specific locations or residents' identities. And we've already taken steps to contact all the homeowners in our original study and get permission to make their data public. Not all will give us permission, but some of them have, and we'll be releasing the information as soon as we hear from all the homeowners. What steps is DEP taking toward the same goal?

Today, we're re-extending the offer we made in May and put in writing in June: a partnership with the DEP in which both parties share all their data. The goal would be to understand where any pollution occurs and why, and to make shale-gas extraction as safe as possible. Will the secretary join us?

The DEP deserves credit for strengthening the state's regulations on well construction earlier this year. And its proposal to strengthen the Oil and Gas Act is another positive step. But there is still a lot we don't know about shale gas, hydraulic fracturing, and water quality.

Rather than working to discredit any science that challenges his views, the secretary and his agency should be working to get to the bottom of the science with an open mind. We need the "unbiased real facts" he called for - all of them.